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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,136	12/03/2001	Kee-Yoeup Pack	3884-0101P	4568
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	VART KOLASCH &	EXAMINER		
PO BOX 747 FALLS CHURCH, VA 22040-0747			PARA, ANNETTE H	
			ART UNIT	PAPER NUMBER
			1661	
			DATE MAILED: 05/20/2003	5

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Enterloins of time may be available under be precioused of 37 CFR 1158(s). In no event, however, may a reply be timely filed  in the period for reply specified above, the maximum disturing predict all poly and will represent the period for reply specified above, the maximum disturing predict all poly and will represent 8 (8) MONTH four the period for reply specified above, the maximum disturing predict all poly and will represent 8 (8) MONTH four the manipulation of the prediction of reply specified above, the maximum disturing predict all poly and will be predicted for reply with the sector extended prediction of the sector reply with the sector extended prediction of the sector reply with the sector extended prediction.  Fallow to reply without the sector extended prediction of the sector reply with the sector extended prediction of the sector reply with the sector extended prediction of the sector reply with the sector extended prediction of the sector reply with the sector extended prediction of the sector reply with the sector reply			Application No.	Applicant(s)			
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Substitute of time may be a substate adde the processions of 37 CFR 1138(a). In so event, however, may a reply be timely filed  If the period for legity specified above a less than thety (30) days, a reply within the statutory mismum of thinty (30) days will be considered timely.  If the period for legity specified above a less than thety (30) days, a reply within the statutory mismum of thinty (30) days will be considered timely.  If NO period for reply is pecified above, the insertion is above the substitution of the statutory mismum of thinty (30) days will be considered timely.  If No period for reply specified above, the season may reply and the substitution of the substitution to the substitution of the substitution of the substitution of the substitution of the substitution is non-final.  3) Status  1) Responsive to communication(s) filed on			appears on the cover sheet w	ith the correspondence address			
1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-9 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are elected.  7) Claim(s) is/are rejected.  7) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  Priority under 35 U.S.C. §§ 119 and 120  13] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3	A SH THE - Exte after - If NO - Failt - Any earn	IORTENED STATUTORY PERIOD FOR RE MAILING DATE OF THIS COMMUNICATIO ensions of time may be available under the provisions of 37 CFF SIX (6) MONTHS from the mailing date of this communication e period for reply specified above is less than thirty (30) days, a Diperiod for reply is specified above, the maximum statutory per ure to reply within the set or extended period for reply will, by stareply received by the Office later than three months after the months.	N. R.1.136(a). In no event, however, may a reply within the statutory minimum of thin nod will apply and will expire SIX (6) MON atute, cause the application to become AB	reply be timely filed  ty (30) days will be considered timely  ITHS from the mailing date of this communication  BANDONED (35 U.S.C. § 133).			
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Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)	a	a) $\square$ The translation of the foreign language	provisional application has b	een received.			
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)  3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	1) 🔀 Notic 2) 🔲 Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)			

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### **DETAILED ACTION**

The restriction requirement is withdrawn.

Claims 1, 6, 7 are objected to because of the following informalities: incorrect capitalization in the middle of the claims. Appropriate correction is required.

## Claim Rejection - 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the callus". There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the 2-3mm<sup>2</sup>". There is insufficient antecedent basis for this limitation in the claim.

In claim 1, the word "naphthalemeacetic" is misspelled.

In claim 1, the word "pochloram" is misspelled.

Claim 1 is indefinite in the recitation of "1.0-10.0mg/L". Do applicants mean for each chemical, 2,4D only, or all 3 chemicals?

in claim 1, line 8 it is unclear what "it" is referring to in the recitation "by transferring it to a MS".

Claim 1, "a MS media" should be a MS medium.

Claim 1 the word "BSSA" is misspelled.

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It is unclear what the applicant meant in the recitation "by scaling up with 20-50 ton of bioreactor"

Claim 1 is confusing, paragraph 1 says "and" (all 3) whereas paragraph 2 says "any one of "

Claims 1-9 are confusing. Does the applicant meant that the propagation by tissue culture has to be perform for ginseng, camphor ginseng and wild ginseng at the same time?

In claim 2 the recitation "under the conditions including" is unclear.

Claim 2, the recitation "1/2-3/4" is not a concentration.

Claim 3 recites the limitation "the cultured explants". There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the newly formed lateral root". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the culturing conditions". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the re-seeding step". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 the metes and bounds of the claim are not clearly set forth in the recitation "such as".

Claim 6 is confusing, paragraph 1 says "and" (all 3) whereas paragraph 3 says " one of "
In claim 6 in the second paragraph the adventitious roots are claimed to be treated with
any one of the growth regulators when in the third paragraph the adventitious roots are described
as being treated with growth regulators. Was the root treated with all of them, one of them, and in
which amount 1.0-100mg/L of each of them or to a total of 1.0-100mg/L for all of them?

Claim 7 the metes and bounds of the claim are not clearly set forth in the recitation "such as".

In claim 7 in the second paragraph the adventitious roots are claimed to be treated with any one of the growth regulators when in the third paragraph the adventitious roots are described

as being treated with growth regulators. Was the root treated with all of them, one of them, and in which amount 1.0-100mg/L of each of them or to a total of 1.0-100mg/L for all of them?

In claim 7, it is unclear if the adventitious root was treated jasmonic acid after having been washed with tap water or if the root was washed after being treated.

Claim 8 recites the limitation "the balloon shape bioreactor". There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the conical shape bioreactor". There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the media which was not added nitrogen". There is insufficient antecedent basis for this limitation in the claim.

Claim 9 it is unclear if the root was transferred to the media for 5-10 days or if the nitrogen was not added for 5-10 days.

#### Conclusion

All claims are rejected.

Claims 1-9 are deemed free of the prior art because the prior art fails to teach a medium comprising 2,4-D, picloram, and NAA. Although some prior art teach a mixture of growth regulator, there is no teaching or motivation to suggest the medium comprising 2,4-D, picloram, and NAA at the claimed concentration.

### **Future Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annette H. Para whose telephone number is (703) 308-6327. The Examiner can normally be reached Monday through Thursday from 6:00 am to 4:30 pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Bruce Campell, can be reached on (703) 308-4205. The fax number for the group is (703) 305-3014 or (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Matrix Customer Service Center whose telephone number is (703) 308-0196.

A.H.P

BRUCE R. CAMPELL, PH.D SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1600